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11 Z-MAN FISHING PRODUCTS, INC.

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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

16
17 APPLIED ELASTOMERICS,
18 INCORPORATED, a California corporation

19 Plaintiff,

20 v.

21 Z-MAN FISHING PRODUCTS,
22 INCORPORATED, a South Carolina
23 corporation

24 Defendant.

25 AND RELATED COUNTERCLAIMS

Case No. C0622469 CW

**ORDER DENYING STIPULATION
REGARDING HEARING DATE**

Honorable Claudia Wilken

Trial Date: November 13, 2007

19 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and
20 Defendant and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”),
21 collectively referred to herein as “the Parties,” through their respective attorneys of record, submit
22 this stipulation and proposed order.

23 Whereas, on August 17, 2007, AEI filed its Notice Of Rule 11 Motion And Motion
24 Regarding Defendant Z-Man Fishing Products Incorporated’s Failure To Conduct An Adequate
25 Prefiling Investigation and noticed it for hearing on September 28, 2007;

26 Whereas counsel for Z-Man had a conflict with that date and requested that the hearing
27 date be continued to October 4, 2007, and AEI’s counsel was amendable to that change;

28 Whereas, on August 24, 2007, pursuant to Local Rule 7-7(a), counsel for AEI re-noticed

1 AEI's motion for October 4, 2007;

2 Whereas, on September 11, 2007, AEI, pursuant to Local Rule 7-7(a) re-noticed the
3 hearing date for its Rule 11 motion from October 4, 2007 to October 11, 2007 because the Court
4 was not available for a hearing on October 4, 2007;

5 Whereas Z-Man's counsel has a previously scheduled hearing in another matter set for
6 October 11, 2007, and whereas the next available date the Court is available for hearing is
7 November 1, 2007, counsel for Z-Man proposed to AEI's counsel that the hearing be re-noticed
8 for November 1, 2007 and he was amenable to doing so provided Z-Man agreed to the briefing
9 schedule set forth below;

10 Whereas the stipulation will not have any affect on the schedule for the case; and

11 Whereas the previous time modifications in this case include the following: 1) On April
12 27, 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to
13 respond to AEI's Complaint. 2) On September 28, 2006, pursuant to Z-Man's request, the parties
14 stipulated that the hearing date for the parties' pending motions (Z-Man's transfer motion and
15 AEI's motion to dismiss counterclaims) and the date of the parties' Case Management Conference
16 be rescheduled from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, pursuant to
17 the Court's authorization at the Case Management Conference for the parties to work out a
18 stipulated briefing schedule for AEI's motion to dismiss Z-Man's first amended counterclaims
19 and/or motion for judgment on the pleadings, the parties so stipulated to a briefing schedule and to
20 a hearing date of February 2, 2007. 4) On December 20, 2007 the parties entered into a revised
21 stipulation on the briefing schedule and hearing date for AEI's motion to dismiss Z-Man's First
22 Amended Counter complaint in light of Z-Man's agreement to voluntarily drop some of its
23 counterclaims by bringing a Second Amended Counter-Complaint. 5) On January 23, 2007 the
24 parties entered a stipulation extending time for Z-Man to respond to AEI's motion to dismiss the
25 Second Amended Counter-Complaint in light of a calendaring error which caused Z-Man not to
26 file its opposition to AEI's motion on January 19, 2007 when it was otherwise due pursuant to the
27 parties' December 20, 2007 stipulation. 6) On March 20, 2007, the parties entered a stipulation
28 extending the time for AEI to respond to Z-Man's Third Amended Counter-Complaint to April 12,

1 2007. 7) On April 18, 2007, the parties entered a stipulation continuing the hearing date on AEI's
2 third Motion to Dismiss.

3 IT IS HEREBY STIPULATED between AEI and Z-Man that the hearing date on AEI's
4 Rule 11 Motion shall be rescheduled from October 11, 2007 to November 1, 2007 at 2:00 p.m. Z-
5 Man's opposition shall be filed on or before September 20, 2007, and AEI's reply shall be filed on
6 or before October 18, 2007.

7 Dated: September 19, 2007

MORRISON & FOERSTER LLP

8 By: _____ /S/
9 Jennifer Lee Taylor

10 Attorneys for Plaintiff and Counter-Defendant
11 Applied Elastomerics, Inc.

Dated: September 19, 2007

DILLINGHAM & MURPHY, LLP

12 By: _____ /S/
13 Mark J. Rogers

14 Attorneys for Defendant and Cross-Complainant
15 Z-Man Fishing Products, Inc.

16 **STIPULATION IS REJECTED AS UNNECESSARY; THE RULE 11 MOTION**
17 **WILL NOT REQUIRE A HEARING.**

18 9/21

19 Dated: _____, 2007

20 _____
21 United States District Judge
22 Honorable Claudia Wilken
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